



1264396 - R8 SDMS

ADMINISTRATIVE RECORD
OF FILE NUMBER
1170602

April 10, 1987

Ms. Sandra R. Moreno
Office of Regional Counsel
EPA Region VIII
999 18th Street, Suite 500
Denver Place
Denver, Colorado 80202-2405

Dear Ms. Moreno:

RE: EAST HELENA CERCLA SITE-SECTION 104 RESPONSE

This letter is written in response to your March 12, 1987 letter to Mr. Mike Bowlin, requesting information under Section 104 of CERCLA, relative to Anaconda's activities at the East Helena, Montana CERCLA site. Pursuant to your request, Anaconda provides the following information:

Sandra R. Moreno

Description of Anaconda's Activities

Anaconda operated a zinc fuming facility in conjunction with ASARCO's lead smelting operations at the East Helena site from 1927 through 1972. This ancillary facility was located on land owned by ASARCO and leased to Anaconda until the final sale of the facility in 1972 to ASARCO.

In general terms, the zinc fuming plant simply reprocessed the slag generated by the ASARCO lead smelter for the purpose of capturing zinc oxide and lesser amounts of lead. There were no chemical constituents used in the process except the use of pulverized coal to provide fuel for the firing of the blast furnace and either molten or granulated cold zinc rich slag which originated from the ASARCO lead smelter. In the blast furnace, the slag was heated to a high temperature which fumed the zinc. The hot vaporized zinc was then cooled and mixed with outside air producing the product, zinc oxide. The zinc oxide was captured in a very efficient baghouse and the cleaned gases were vented to a stack. The waste from this fuming process was the treated slag. The treated slag was the property of ASARCO and was disposed on site.

In the early years of production, the zinc oxide product was shipped by rail to the Anaconda zinc smelter located in Great Falls, Montana for further processing. More recently, in the late 1960's and early 1970's, some of the product was sold to American Chemet, also located in East Helena, Montana for subsequent use as a paint pigment. Historical production figures for the zinc fuming plant are not well documented in Anaconda's files. However, production notes located in the files for 1957 indicated that the plant produced about 25,000 tons per year of zinc and 2,000 tons per year of lead from the processing of approximately 186,000 tons of hot and cold ASARCO slag.

The following enclosed Exhibits 1 through 9 are relative to Anaconda's on-site activities:

S. R. Moreno
EAST HELENA CERCLA SITE
SECTION 104 RESPONSE
April 10, 1987
Page two

- (1) Undated description of Slag Treating Plant Process, including process flow sheet.
- (2) 4/30/68 East Helena Slag Treating Plant - General Information summary, including process flow sheet.
- (3) Process description included in January 1, 1943, Great Falls Department's report entitled: "A Brief Description".
- (4) Unidentified handwritten "field notes" referencing 1957 production figures for the East Helena Slag Treatment Plant.
- (5) April 1, 1958 Agreement of Lease between ASARCO and Anaconda.
- (6) December 14, 1971 Sales Agreement between Anaconda and American Chemet Corporation.
- (7) 1971 Sales records of zinc fume to American Chemet.
- (8) 1970 Sales records of zinc fume to American Chemet.
- (9) 1969 Sales records of zinc fume to American Chemet.

Ownership, Contracts and Agreements Information

Anaconda originally leased from ASARCO on December 20, 1927, the real property on which Anaconda built its East Helena zinc fuming plant. The original lease between the parties was subsequently amended and extended on January 1, 1941 and April 1, 1958. Effective on July 3, 1972, Anaconda sold its East Helena zinc fuming plant to ASARCO and, at that time, the property lease was cancelled.

Product sales agreements and a related slag treatment agreement between ASARCO and Anaconda are provided as exhibits to the July 3, 1972 Purchase and Sale Agreement (enclosed Exhibit 11).

The following enclosed Exhibits 10 through 13 are relative to the lease and purchase agreements:

- (10) April 1, 1958 Lease between Anaconda and ASARCO. Note: Though this lease refers to the original lease dated December 20, 1927 and the subsequent lease dated January 1, 1941, copies of these documents have not been located in Anaconda's records.
- (11) July 3, 1972 Purchase and Sale Agreement between Anaconda and ASARCO. This agreement includes six exhibits.

S. R. Moreno
EAST HELENA CERCLA SITE
SECTION 104 RESPONSE
April 10, 1987
Page three

(12) July 3, 1972 Bill of Sale between Anaconda and ASARCO.

(13) July 3, 1972 Cancellation of Lease between Anaconda and ASARCO.

The various records located at and associated with the day-to-day operations at the East Helena plant became the property of ASARCO following the 1972 sale. Additionally, records pertinent to the East Helena plant which were located at Anaconda's headquarters in Butte, Montana, were shipped to ASARCO's New York offices after the closing of the sale to ASARCO. Information provided by Anaconda in this letter was obtained through a review of records stored in Denver. These records include personal files, legal and engineering files from Anaconda's Montana operations. Since the sale of the plant occurred 15 years ago, records regarding routine matters have been destroyed pursuant to the retention policy of Anaconda and its parent, Atlantic Richfield Company. No employee interviews were conducted as this facility was sold over fifteen years ago. The current custodian of the records is Ms. Patricia E. Fenner, 555 Seventeenth Street, Denver, Colorado 80202, (303)293-4839.

Anaconda is attempting to determine if insurance coverage is available for any damages resulting from the release of hazardous wastes or substances under its applicable policies. Anaconda will provide the EPA with additional information once this determination is made.

In your March 12 letter, you reference that the RI/FS was well underway with ASARCO taking the lead on surface and ground water portions as well as the Endangerment Assessment. Additionally, you referenced that a portion of the RI/FS was conducted by ASARCO under an Administrative Order on Consent. Anaconda is requesting that EPA provide copies of all information generated to date on this site for our review. At a minimum, we request copies of the following documents and reports:

1. The 1986 CH₂M Hill/MSU Soils, Crops and Livestock Study.
2. The Phase I Groundwater and Surface Water Study completed by Hydrometrics for ASARCO.
3. The 1983 Blood Lead Study completed by the CDC.
4. The Toxicity Assessment Reports and Criteria Documents completed by MSU.
5. The August 1986 Surface Water Results issued by EPA's Gene Taylor as a press release.
6. The REM IV Report on Operable Units prepared by CH₂M Hill for EPA in early 1987.

S. R. Moreno
EAST HELENA CERCLA SITE
SECTION 104 RESPONSE
April 10, 1987
Page four

7. The Administrative Consent Order for the RI/FS.

On page 2 of the March 12 letter, EPA also stated that "additional remedial investigation/feasibility studies must be conducted." Anaconda would appreciate a status report on the site and notification of EPA plans for further study. Additionally, Anaconda is interested in EPA's costs to date for project oversight and studies. Please provide this financial and planning information along with the above requested documents and reports to Anaconda in a timely manner so that we can better understand our relationship, if any, to actions at this site.

If you have any questions regarding this response, please advise. Anaconda, by submitting copies of these files, makes no admission of responsibility for any CERCLA involvement at the East Helena site.

Sincerely,



Robert L. Dent
Manager, Western Minerals Projects

RLD:nc

Enclosures

0160231 *Wardell*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET—SUITE 500
DENVER, COLORADO 80202-2405

REF: 8MO

MAR 12 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mike Bowlin, President
ARCO Coal Company
555 Seventeenth Street
Denver, Colorado 80202

Re: East Helena CERCLA Site

Dear Mr. Bowlin:

The United States Environmental Protection Agency (EPA) is conducting an investigation pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. § § 9601-9657 (1986) at the East Helena CERCLA Site. As a part of this investigation, EPA has determined that a release or substantial threat of release has occurred from the ASARCO facility located in East Helena, Montana. The Anaconda Minerals Company owned and/or operated a portion of the facility. You are hereby notified that EPA intends to continue to spend public funds to investigate, control, and mitigate the actual or threatened release of hazardous substance from the ASARCO facility, unless EPA determines that these activities will be performed properly by a responsible party.

Primary responsible parties (PRP's) under CERCLA include current and past owners and operators of a facility or a portion of a facility, as well as the persons who generated, transported, or treated the hazardous substances of concern. Pursuant to section 106(a), a responsible party may be required to abate any imminent and substantial endangerment to the public health or welfare or the environment presented by the release or threatened release. Further, section 107(a) of CERCLA provides that a responsible party may be liable for all costs incurred by the government in responding to any release or threatened release at the site. Such costs may include, but are not limited to, expenditures for investigating, evaluating, and cleaning up the site, and enforcement.

~~IRK~~
FYI
to Carol
to file
Thinks

-2-

As stated previously, EPA is currently conducting a Remedial Investigation/Feasibility Study (RI/FS) at the East Helena Site. EPA is not, however, conducting all phases of the RI/FS. Under the terms of an Administrative Order on Consent, EPA and another East Helena PRP, ASARCO, have agreed that ASARCO shall conduct certain surface and ground water portions of the investigation and prepare an Endangerment Assessment. EPA has determined, however, that additional remedial investigations/feasibility studies must be conducted.

EPA is also requesting your assistance in obtaining information for the purpose of understanding your activities at part of the ASARCO facility in accordance with the appropriate provisions of CERCLA and the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq., and to assist the Agency in determining the type of response(s) to the release or threatened release of hazardous substances at the East Helena site. Under the provisions of section 104 of CERCLA, 42 U.S.C. § 9604, and section 3007 of RCRA, 42 U.S.C. § 6927, the Administrator of the EPA has the authority to require any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes and/or substances provide information about these activities and/or undertake actions to investigate and correct the release or threatened release of hazardous substances.

Pursuant to these statutory provisions, please provide the following no later than thirty (30) days from the date of receipt of this letter:

1. A narrative explaining the facility's operation throughout your period of ownership/operation. Please document all chemical constituents used in your treatment process and disposal methods practiced for any wastes or by-products. This should include copies of all existing documents relating to the subjects listed above.

2. Copies of all documents, legal and otherwise, pertaining to your ownership of the land and equipment within the site. This includes, but is not limited to, deeds transferring property to you and any deeds transferring property from you to other assigns, transferees, and successors in interest. Any documents relating to easements for the deposition of products or wastes and by-products should be included.

3. Copies of any contracts or other agreements pertaining to the disposal, treatment, transport, or generation of any product, waste, or by-product.

For the above requests, please also describe the types of records that were maintained by you of the transactions involving the Anaconda Minerals Company, including the date of the records, the author of the records, the current location of the records, and the current custodian and all efforts that were taken to identify these records. If, in answering any of the above questions, information was obtained through employee interviews, indicate so in your letter and provide the names of the employees interviewed. Pursuant to section 103(d)(2) of CERCLA, it is unlawful for any person to knowingly destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records. If you do not have the above requested information, please certify so in an affidavit.

-3-

In addition to the above information, if you are insured for any damages resulting from the release of hazardous wastes and/or hazardous substances, please inform us of the existence of such insurance and provide us with copies of all insurance policies both currently in effect and in effect during the period of your ownership of the property or during your activity on the property.

For purposes of this request, the term "hazardous substances" is used as the term is defined in section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

If you desire, you may insert a confidentiality claim covering all or part of the information requested by following the procedures set forth in section 104(3)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and 40 C.F.R. Part 2, Subpart B. If you do assert such a claim, the information will be disclosed by EPA only to the extent and by the means set forth in 42 U.S.C. § 9604(e)(7) and 40 C.F.R. Part 2 Subpart B. If no claim of confidentiality is made at the time this information is received by EPA, it may be made available to the public without further notice.


Failure to comply with this request may subject you to enforcement and appropriate injunctive actions pursuant to section 104 of CERCLA, 42 U.S.C. § 9604(e)(5)(B).

The factual and legal discussions contained in this letter are intended for notification and information purposes only. They are not intended to be and cannot be relied upon as a final EPA decision or binding upon EPA concerning any matter set forth herein.

Please send all requested information to Ms. Sandra R. Moreno at the following address: 999 18th Street, Suite 500, Denver Place, Denver, Colorado 80202-2405. If, after responding to this request, you become aware of or come in possession of additional information which is responsive to the request, please provide such information to EPA within fourteen (14) calendar days thereafter.

If you have any questions, please contact Ms. Sandra R. Moreno, Office of Regional Counsel, at (303) 293-1461 or John Wardell, Director, EPA Region VIII, Montana Office at (406) 449-5432. I appreciate your assistance.

Sincerely,



Robert L. Duprey, Director
Waste Management Division

cc: S. Moreno, 8ORC
G. Taylor, 8HWM-SR
J. Wardell, 8MO
J. Linnett, OECM